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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,466	03/24/2000	Kevin Francis Albert	600.1033	3314

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EXAMINER

YAN, REN LUO

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,466

Applicant(s)

ALBERT ET AL.

Examiner

Ren L Yan

Art Unit

2854

-- Th MAILING DATE of this communication appears on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 10, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Jurkewitz et al(5,996,492). The patent to Jurkewitz et al teaches the method and apparatus for controlling tension in a web of an offset printing press as claimed including increasing and decreasing the infeed tension in the web in response to a signal by the web speed measuring device 32 indicating the printing mode and the press speed. See Figs. 1-4, column 3, lines 46-54, column 4, line 55 through column 5, line 15, and column 6, lines 8-32 in Jurkewitz et al for details. With respect to claim 14, Jurkewitz et al teach the use of a controller 36 for processing the signal and altering the tension as recited.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkewitz et al. The patent to Jurkewitz et al teaches the use of a computer controlled web tension controller to carry out the web tension controlling operation. See column 3, line 45 through column 4, line 4, and column 5, line 60 through column 6, line 43 in Jurkewitz et al for example. Even though the patent to Jurkewitz et al does not discuss the use of PLC and LAN, these computer-related components are well known and widely used in the art. Due to the lack of disclosure showing any criticality, the mere application of a well known modern computer technology based upon its well known capabilities and intended use by those having ordinary skill in the art in order to achieve an expected outcome would have been most obvious.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkewitz et al in view of Sainio et al(6,085,956). The patent to Jurkewitz et al does not show the offset printing press structure after the printing units 8a-8d. Sainio et al show in an offset printing press the conventional components after the printing units such as a chiller 20, a slitter 34, a folder 38, and etc. See Figs. 1(a) and 1(b) in Sainio et al for example. In view of the teaching of Sainio et al, it would have been obvious to those having ordinary skill in the art to provide the offset printing press of Jurkewitz et al with the usual chiller, slitter, and etc. in order to carry out the conventional web printing operations.

Claims 13 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Huth(4,838,498). The patent to Huth teaches the method of controlling tension in a web of a printing press as claimed including increasing the web infeed tension in response to a signal indicating a change to a printing mode from a white web mode, and decreasing the web infeed tension in response to a signal indicating a change to a white web mode from a printing mode.

Art Unit: 2854

The mode change signal comes from the input by an operator through operator means 36 and the control means 35 coordinate the signals to other components of the printing press to alter the web tension. It should be pointed out that the white web mode of the present invention is equivalent to the web-up mode in Huth. See the drawing figure and column 3, line 10 through column 4, line 26 in Huth for details. It should also be pointed out that even though for each of the operating modes in Huth, there is a press speed associated with it. However, the decision and selection of a particular operating mode by an operator through the use of a push button or lever to generate a mode change signal for the control means 35 is clearly independent of the press speed as recited. With respect to claim 17, a processor is part of the control means 35.

Applicant's arguments filed on 6-6-2003 have been fully considered but they are not persuasive. Applicant's argument that when the web is running at a low speed S1 in Jurkewitz, printing is still taking place is correct. However, applicant appears to have overlooked the fact when the web is running at a **very slight web speed**, before it stops, printing does not take place and the web tension is lowered. When the web is running at this very slight web speed, it defines a white web mode. Applicant's attention is again directed the paragraph bridging columns 4 and 5 in Jurkewitz .

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2854

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L Yan whose telephone number is 703-308-0978. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Ren L Yan
Primary Examiner
Art Unit 2854

Ren Yan
August 25, 2003